

Memo

To: Board of Managers
From: Ellen Sands, Permitting & Code Enforcement Coordinator
CC: Shana Davis-Cook, Village Manager
Michael Younes, Director of Municipal Operations
Date: 5/8/2013
Re: Reforestation Enforcement

Background

Presently, there is no formal process to track and enforce the installation of reforestation trees required by Tree Removal Appeals, Tree Ordinance Board Consent Agreements, or right-of-way tree removals approved by the Village along with the Department of Natural Resources (DNR) that carry a reforestation requirement.

In a standard reforestation agreement, applicants agree to install one or more reforestation trees, of a caliper of at least 2-½" at the time of installation, that will grow to a height of forty-five (45) feet at maturity. Expiration for the installation of the reforestation tree(s) is typically one year from the date of the removal being granted.

Per Section 17-1 of the Urban Forest regulations, any tree that exceeds twenty-four (24) inches in circumference at 4-½ feet above the ground is subject to the criteria for removal as assessed by the Village Arborist and a removal permit is required. Additionally, trees installed as part of a reforestation agreement require a permit for removal, regardless of size. **Thus there is often a gap between the time a reforestation tree, which requires a permit for removal regardless of size, is installed and when it reaches the standard size threshold for requiring a permit for removal. During this time reforestation trees are vulnerable to unpermitted removal.**

CHEVY CHASE
VILLAGE
ESTABLISHED 1890

Current enforcement of the reforestation process has been inconsistent. The installation of the reforestation trees has not been documented and the trees are not physically marked/tagged. Subsequent property owners may be unaware that small reforestation trees on their property are subject to reforestation protection. It is unclear when undersize trees may be reforestation trees. There have been instances where reforestation trees have been installed and then, either through error or lack of communication to subsequent property owners, have been wrongfully removed.

In order to maintain the tree canopy, it is critical that we institute a comprehensive and thorough reforestation documentation process.

Recommended Process

In order to track and catalog reforestation trees staff recommends the following process:

- 1) At least sixty (60) days prior to the reforestation deadline, a Reforestation Confirmation Letter will be sent to applicants (or the current resident). The letter (see attached draft) requests confirmation that the reforestation tree(s) was planted and that it satisfies the reforestation criteria outlined in the Board's Decision, a Resolution or the Tree Ordinance Board Consent Agreement.
- 2) Staff (and/or the Village Arborist) will visit the property and tag the tree, which will clarify for staff, applicants and subsequent property owners that the tree is subject to reforestation protection. A log of all reforestation trees will be maintained.
- 3) Staff will add the tree to the GIS database documenting the location, species and size at installation.

The trees will be monitored periodically until such time as they reach the threshold wherein removal would require application for a Village tree removal permit. The trees would then be subject to typical removal standards as outlined in the Urban Forest regulations.

Staff proposes going back through four years of previous tree appeals (through 2009) to verify and include in our database reforestation trees required to be installed during that period. According to appeal decisions, consent agreements and resolutions, this would be 35 appeals/resolutions/agreements for a total of 33 trees. It is likely that the trees installed prior to this time frame will have reached the threshold for requiring a permit for removal and are thus safe from inadvertent removal.

This process will allow the Village to enforce the installation of reforestation trees, provide for entering the trees into the GIS database and insure protected trees are not inadvertently removed.

Attachment:

Draft Reforestation Confirmation Letter



, 2013

Applicant
Or Current Resident
Street
Chevy Chase, MD 20815

Re: Chevy Chase Village Urban Forest Reforestation Program

Dear Applicant:

Maintaining the community's Urban Forest canopy is a high priority in the Village. To ensure this canopy is maintained we have implemented an urban forest reforestation program.

Our records indicate that the reforestation agreement deadline pursuant to your Tree Removal Permit No(s). _____ will expire on _____. If the tree(s) has been planted, please indicate the species and location on the enclosed form and return it to the Village office in the enclosed envelope.

Village Staff/Arborist will visit the property within thirty (30) days of receipt of this letter to tag the tree, identifying it as a Reforestation Tree. Then annually staff will visit the property to document the health of the tree until it reaches the threshold for being subject to the Urban Forest regulations (trunks that measure at least twenty-four (24) inches in circumference at four and one-half (4 ½) feet above ground level).

If additional time is required to plant the reforestation tree, please contact the Village office prior to the actual restoration deadline date to apply for an extension to the reforestation requirement from the Village Manager.

Please note that failure to comply with the reforestation requirement constitutes a violation of the **[Consent Agreement or Appeal Decision]** with which you agreed to comply. Please contact us at (301) 654-7300, 9:00 a.m. to 5:00 p.m., Monday through Friday if you have any questions regarding this process. We appreciate your assistance in this matter.

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosure

Chevy Chase Village

Reforestation Confirmation

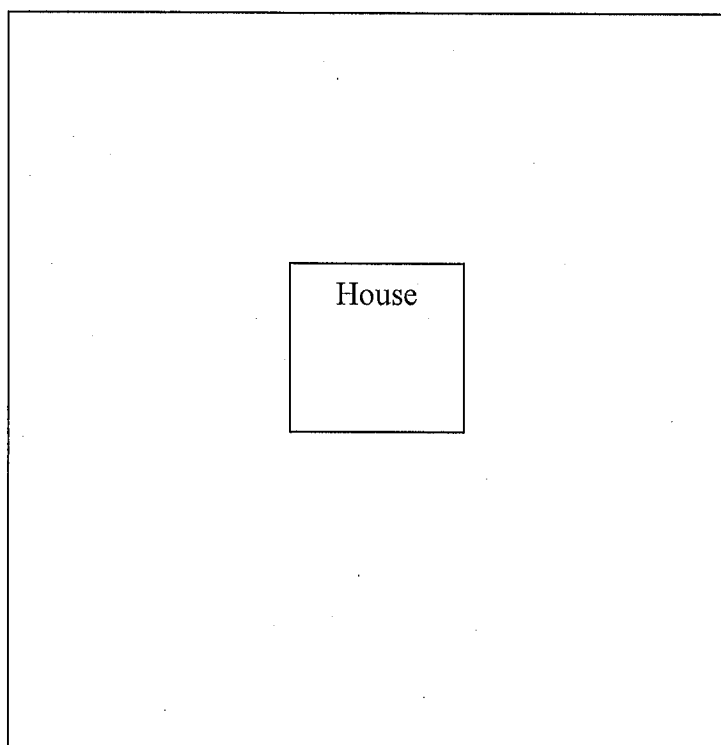
Property Address:
Permit Number:
Reforestation Deadline:
Resident Name:
Phone:
E-mail:
Is Reforestation Complete? Yes _____ No _____ (If Yes, please indicate location and species on plan below)
If No, proposed date of completion: _____

Diagram for Tree Installation

Rear of house

Side-Left

Side-Right



Street

Submitted By: _____

Date: _____